

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

SANTOS RAMON CRUZ,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-13-1102-M
	)	
WARDEN McCOLLUM,	)	
	)	
Respondent.	)	

**ORDER**

On February 28, 2014, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for Writ of Habeas Corpus be dismissed without prejudice because the petition contains both exhausted and unexhausted claims. Alternatively, if petitioner wishes to proceed without returning to the state court, the Magistrate Judge recommended that petitioner be allowed to amend his petition to drop the unexhausted claims. The parties were advised of their right to object to the Report and Recommendation by March 20, 2014. A review of the file reveals no objection has been filed.

Having reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 13] issued by the Magistrate Judge on February 28, 2014; and
- (2) DISMISSES the Petition for Writ of Habeas Corpus without prejudice because it contains both exhausted and unexhausted claims.

**IT IS SO ORDERED this 2nd day of April, 2014.**

  
VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE